

Message Text

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ACTION COME-00

INFO OCT-01 ARA-10 ISO-00 OES-07 L-03 DLOS-09 EB-08
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FM AMEMBASSY QUITO
TO SECSTATE WASHDC 5265
INFO USDOC WASHDC
AMEMBASSY MEXICO
AMCONSUL GUAYAQUIL

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USDOC FOR ROBERT W. SCHONING USNMFS

E.O. 11652: N/A
TAGS: EFIS EC
SUBJ: CERTIFICATION OF ECUADOREAN FISHING PRACTICES

REF: (A) STATE 176718; (B) GUAYAQUIL 1206 (C) QUITO 4848

1. IN REF C, EMB RELATED THE DIFFICULTY THAT THE GOE BELIEVES IT WOULD HAVE IN COMPLYING WITH OUR TUNA-PORPOISEREGULATIONS IF IT INVOLVED A DIRECT COMMUNICATION BETWEEN GOE AND USG ENTITIES. IN BRIEF, GOE IS SYMPATHETIC TO INTENT OF REGULATIONS, I.E., SAVING PORPOISES, BUT LEERY ABOUT RELINQUISHING SOVEREIGNTY BY ANSWERING TO FOREIGN GOVERNMENT ABOUT WHAT OCCURS IN ITS TERRITORIAL WATERS. IN LIEU OF DIRECT GOVERNMENT-TO-GOVERNMENT EXCHANGE, GOE AND FISHING INTERESTS PLAN TO SUBJECT COPY OF GOE'S REPLY TO INTERROGRTRIES POSED BY FISHING INDUSTRY REGARDING FISHING PRACTICES AND HAVE IT SUBMITTED TO NMFS BY ECUADOREAN CHAMBER OF INDUSTRIES, A NON-GOVERMENTAL ENTITY. IN REF A, DEPT. RESPONDED THAT "SUBMISSION MUST BE UNDER THE SIGNATURE OF GOE OFFICIAL" AND "IF THE NATIONAL CHAMBER OF INDUSTRIES (NCI) IS NOT

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A GOE BODY, THE CERTIFICATION WOULD BE ACCEPTABLE IF ATTESTED BY GOE OFFICIALS". FINALLY, IT STATES "PRESENTATION BY REPRESENTATIVES OF NCI WOULD BE ACCEPTABLE ONCE THE CERTIFICATION IS ATTESTED BY GOE OFFICIALS".

2. WE GATHER FROM THE ABOVE REPLY THAT SUBMISSION UNDER THE SIGNATURE OF A GOE OFFICIAL IS NOT REALLY NECESSARY

IF THE CERTIFICATION IS ATTESTED TO BY GOE OFFICIAL. IF SO, THE QUESTION BECOMES "WHAT IN THIS PROCESS CONSTITUTES ATTESTATION?" IF THE SIGNED REPLY BY THE GOE TO THE FISHING ASSOCIATION INTERROGATORIES CAN BE CONSTRUED BY NMFS AS GOE ATTESTATION, WE ESTIMATE THAT ALL PARTIES ARE PROCEEDING ON THE SAME WAVE LENGTH AND THAT NO PROCEDURAL PROBLEM WILL ARISE. IF, HOWEVER, ATTESTATION MEANS SOMETHING ELSE, FOR EXAMPLE, GOE OFFICIAL ENDORSEMENT OF THE WHOLE SUBMISSION PACKAGE, HE PROCEDURAL ISSUE MAY BECOME PROBLEMATICAL.

3. FYI--THE DEGREE OF GOE'S INSISTENCE ON A FACE-SAVING DEVICE SHOULD NOT BE UNDERESTIMATED. SUCH-NIT-PICKING ON ISSUES IN WHICH IT PERCEIVES ITS PRINCIPLES OF SOVEREIGNTY COMPROMISED HAS BECOME A MAJOR ELEMENT IN ECUADOREAN FOREIGN RELATIONS OVER THE YEARS AND HAS CREATED STRAINS AND CONFRONTATIONS IN OUR BILATERAL RELATIONSHIP MORE THAN ONCE DURING THIS PERIOD. IN VIEW OF THIS, SINCE THE USG IS PRESUMABLY MORE INTERESTED IN THE SUBSTANCE, I.E., SAVING PORPOISE, THAN IN JOUSTING WITH ECUADOR ON PROCEDURAL PRINCIPLES, IT WOULD SEEM TO BEHOOVE US TO BE AS FLEXIBLE AS POSSIBLE IN INTERPRETING OUR REGULATIONS TO ACCOMMODATE ECUADOREAN CONCERNS ABOUT SOVEREIGNTY. EMB WOULD APPRECIATE DEPT/NMFS REACTION TO THIS AS WELL AS TO REF B. WE ARE ESPECIALLY CONCERNED THAT POTENTIAL PROBLEM POINTS, PROCEDURAL AND OTHERWISE, BE IDENTIFIED EARLY IN THE GAME SO THAT THEY CAN BE ADDRESSED AND UNNECESSARY CONFRONTATIONS LIMITED OFFICIAL USE

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BE AVOIDED.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHING INDUSTRY, LAW, TUNA, FISHING REGULATIONS
Control Number: n/a
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Sent Date: 02-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Handling Restrictions: n/a
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